

**TOWN BOARD MEETING**

Town of Ulysses

July 14, 2020

Audio of the minutes are available on the website at [ulysses.ny.us](http://ulysses.ny.us).

The meeting was held via videoconference on the Zoom platform.

Notice of Town Board meetings are posted on the Town's website and Clerk's board.

**ATTENDANCE:**

The Town Clerk called the roll:

TOWN OFFICIALS PRESENT:

Supervisor- Nancy Zahler

Board members- Richard Goldman, Michael Boggs, Katelin Olson, Marc Devokaitis

Town Clerk- Carissa Parlato

Second Deputy Supervisor- Michelle Wright

Attorney for the Town- Khandikile Mvunga Sokoni (arrived at 7:24pm)

Environmental Planner- John Zepko (arrived at 7:15pm)

OTHERS PRESENT:

Tim Fallon, Don & Dolores Higareda, Peter Houghton, Roxanne Marino (Conservation & Sustainability Advisory Committee), Cheryl Thompson (Board of Zoning Appeals member)

**APPROVAL OF AGENDA:**

**RESOLUTION 2020-143: APPROVAL OF MEETING AGENDA**

BE IT RESOLVED that the Ulysses Town Board approve the agenda for July 14, 2020.

Moved: Mr. Goldman                      Seconded: Ms. Olson

Ms. Zahler                      aye

Ms. Olson                      aye

Mr. Boggs                      aye

Mr. Goldman                      aye

Mr. Devokaitis                      aye

Vote: 5-0

Date Adopted: 7/14/2020

**PRIVILEGE OF THE FLOOR:**

MR. HOUGHTON:

*(See Appendix II)*

MR. ELLIS:

He feels that towns can bring people together but special interest flags can be divisive.

MR. FALLON

Mr. Fallon agrees with Mr. Houghton’s zoning opinions. He feels that the lot coverage and footprint maximums are restrictive and feel punitive. He thinks that there are already enough protections and regulations in place to meet comprehensive plan and environmental goals .

MS. HIGAREDA:

Agrees that special interest flags are a slippery slope.

**TOWN REPORTS:**

*(See Appendix I)*

**REPORTS FROM REPRESENTATIVES AND COMMITTEE CHAIRS:**

*(none)*

**OLD BUSINESS:**

**ZONING AMENDMENT #1 OF 2020**

Ms. Zahler shared the updated version of the draft and noted that some changes have been made since the resolution to pass the draft was tabled at the 6/23 meeting.

The board and Mr. Zepko discussed the following:

- Differentiated between footprint and total square footage/floor area
- Clarifying that an accessory dwelling unit of a total of 1200 sq ft of usable space is different from the 3,500 maximum building footprint for a principal building.
- Clarified that allow an accessory building which does not allow habitation could have an accessory dwelling unit as a second floor as long as the sq ft limits are observed.
- Elder cottages
- Accessory building limits
- Principal vs. accessory
- Accessory bldg. vs. accessory dwelling unit
- Stormwater language
- Section 212-51 (A)(4)

**RESOLUTION 2020-144: APPROVAL OF REVISED LANGUAGE FOR DRAFT LOCAL AMENDING ULYSSES ZONING LAW REGARDING LAKESHORE AND CONSERVATION ZONES AND SCHEDULING OF PUBLIC HEARING**

WHEREAS, Resolution # 2020-138 was tabled on June 23, 2020 to allow time for the Town Board to develop a definition of “building footprint” and to adjust allowable housing provisions of the existing Lakeshore and Conservation zones to conform with other zones in the Town and

WHEREAS, those proposed changes have been incorporated into the revised Zoning Amendment #1 of 2020, now therefore be it

RESOLVED that Resolution #2020-138 be removed from the table and replaced by the following:

WHEREAS, the Town Board of the Town of Ulysses (Town Board) enacted Local Law No. 3 of 2019 on December 10, 2019, which law was filed with the New York State Secretary of State on December 16, 2019, which local law repealed in its entirety the Town of Ulysses Zoning Law adopted by Local Law No. 3 of 2013, amended from time to time, and codified as Chapter 212 of the Laws of the Town of Ulysses, and in its place adopted a new zoning law, and

WHEREAS, when adopting the Zoning Law on December 10, 2019 by Resolution 2019-211 several members of the Town Board wanted to re-visit the law in 2020 based on feedback from the Public Hearing held November 18, 2019 and

WHEREAS, the Town Board wished to consider alternative strategies that balance our environmental stewardship responsibilities with the property rights of landowners when protecting steep slopes and Unique Natural Areas in the Lakeshore and Conservation zone rather than a zone-wide limit of 2000sq ft footprint and

WHEREAS, the Ulysses Town Planning Board reconsidered relevant sections of the law related to the lot limits and site plan review requirements of the Lakeshore and Conservation Zones and transmitted their recommendations including proposed changes to the current zoning along with their rationale to the Town Board on April 28, 2020 through Planning Board Resolution Numbers 1 of 2020 and 2 of 2020, and

WHEREAS, the Ulysses Town Board accepted the Planning Board recommendations and held a Public Information Session for all interested residents on Tuesday, June 16, 2020 to explain the proposal and invite questions and comments and received written and verbal comments before and after the session and,

WHEREAS, the Ulysses Town Board has discussed the comments received from residents in support of and opposed to the proposed Local Law #1 of 2020 AMENDING TOWN OF ULYSSES ZONING LAW REGARDING LAKESHORE AND CONSERVATION ZONES introduced on May 26, 2020, and

WHEREAS, Municipal Home Rule Law §20(5) requires that a public hearing be held before a local law is adopted by the Town Board, which public hearing must be held upon the publication of at least ten days' notice in the Town's official newspaper; and

WHEREAS, Town Law §264(4) also requires that a public hearing be held prior to adopting (or amending) zoning regulations, and

WHEREAS, Town Law §265(2) requires that amendments made to any zoning law (excluding any map incorporated therein) shall be entered in the minutes of the town board; such minutes shall describe and refer to any map adopted in connection with such change, amendment or supplement and a copy, summary or abstract thereof (exclusive of any map incorporated therein) shall be published once in a newspaper published in the town, if any, or in such newspaper published in the county in which such town may be located having a circulation in such town, as the town board may designate, and affidavits of the publication thereof shall be filed with the town clerk, and

WHEREAS, due to the Corona Virus/COVID-19 pandemic, the Governor of the State of New York has authorized municipalities to conduct certain public hearings and meetings by virtual means in order to ensure the public health and safety,

NOW THEREFORE, BE IT RESOLVED, that the attached draft local law, (*see Appendix III*) the full text of which the Town Clerk is hereby directed to reproduce in the minutes hereof, is adopted as the draft upon which a public hearing shall be held to consider whether or not to adopt the proposed amendments, and be it further

RESOLVED, that the Town Board hereby schedules a public hearing for August 11 at 6:30 PM. The details for accessing the public hearing shall be published on the Town's website. The purpose of the public hearing is for all persons wishing to comment in favor or against the proposed zoning amendments to have an opportunity to provide their comments thereon, and be it further

RESOLVED, that in addition to participation in the public hearing, all members of the public wishing to submit written comments on the proposed local law may do so in writing addressed to the Town Clerk at 10 Elm Street, Trumansburg, NY 14886 or by email to clerk@ulysses.ny.us, and be it further

RESOLVED, that the Town Clerk is directed to publish notice of said hearing in the Ithaca Journal as required by law, to mail notices to all persons and agencies entitled to notice, to file in the office of the Town Clerk affidavits of publication, and the Town Board authorizes payment of expenses associated with said publications and mailings, and be it further

RESOLVED, that a copy of the proposed Zoning Law and a copy of this Resolution shall be sent by the Town Clerk of the Town of Ulysses to all persons entitled to notice pursuant to NY Town Law §264 and NY General Municipal Law §239-m including to wit,

1. The Ulysses Planning Board,
2. The Ulysses Zoning Board of Appeals,
3. Building and Code Inspector of the Town of Ulysses,
4. Tompkins County Department of Planning,
5. Clerk of the Tompkins County Legislature,
6. Seneca County
7. Schuyler County
8. Town of Covert
9. Town of Hector
10. Town of Enfield
11. Town of Lansing
12. Town of Ithaca
13. Village of Trumansburg
14. New York State Office of Parks, Recreation and Historic Preservation
15. New York State Commissioner of Environmental Conservation

Moved: Mr. Devokaitis

Seconded: Ms. Olson

Ms. Zahler	aye
Ms. Olson	aye
Mr. Boggs	aye
Mr. Goldman	aye
Mr. Devokaitis	aye

Vote: 5-0

Date Adopted: 7/14/2020

## **DISCUSSION OF WORK PLAN FOR CONSERVATION & SUSTAINABILITY ADVISORY COMMITTEE**

Due to the late hour, the board agreed to delay action on this but were comfortable having the CSAC continue current projects.

## **BUDGET UPDATES**

### **Review sales tax historical data, updates, and projections**

Ms. Wright noted that sales tax revenue is about 30 % of what was budgeted. She will do a new update when new numbers received.

### **Next Steps in Budget Planning for 2020 and 2021**

Ms. Wright shared that she'll be meeting with each staff person to update the 2020 budget projections. More details on multi-year budgeting will be provided in August.

## **CAPITAL PROJECT UPDATES**

Water District 3 Aerator- a preconstruction meeting will be held the last week of July.

HVAC project- completion has been pushed back to the 1<sup>st</sup> week of August.

## **NEW BUSINESS:**

### **REPORT ON NEW COST SHARING APPROACH FOR FIRE PROTECTION**

Ms. Olson shared some cost models created by the fire budget sub-committee. She noted that cost sharing has been based on calls, and averaged over a 3-yr period. Other models are being considered for 2021. The board discussed the EMS/fire building renovation plans and other options for lowering costs to town. Ms. Olson will relay a number of questions to the work group related to shared decision-making.

### **ADOPTION OF ACTION STEPS TO PROMOTE RACIAL JUSTICE**

#### **RESOLUTION 2020-145: ADOPTION OF ACTION STEPS TO PROMOTE RACIAL JUSTICE**

WHEREAS, the Town Board adopted a Statement on Racial Justice, Violence and the Role of Local Government on June 9, 2020 to respond to the injustices highlighted by the death of George Floyd and

WHEREAS, the June 9th statement included several commitments to take action in support of racial justice,

Now Therefore Be It

RESOLVED, that the Ulysses Town Board begins to honor its commitment to action by taking the proposed next steps:

1. The Supervisor will send the June 9, 2020 Statement with a letter on behalf of the Town Board to each of the local law enforcement agencies responsible for serving and protecting the residents of the Town of Ulysses appreciating their efforts and urging them to enact and practice key policing reforms to be more just and equitable. Copies will also be sent to those responsible for funding and oversight of the Village, County and State law enforcement agencies.
2. Town staff and Board, with help from the community, will identify and provide educational resources to enable our staff and Town Board members to learn more about our own unconscious biases and institutional racism to inform a systematic review of our policies and practices to assure that the Town of Ulysses is acting in anti-racist and inclusive ways that promote justice and equity.

3. Engage Board, staff, and community members in a systematic review of the Town’s Personnel Policies and Zoning laws to identify any explicit or unintentional racism or exclusionary policies and/or practices and to seek recommendations for ways the Town can become more just, equitable, and inclusive.

Moved: Ms. Zahler                      Seconded: Mr. Devokaitis

***Motion tabled.***

Ms. Zahler was asked to provide a draft of a letter to law enforcement agencies.

**CREATION OF A FLAG POLICY WORK GROUP**

The board discussed the issue and agreed that a policy is needed.

**RESOLUTION 2020-146: CREATION OF A FLAG POLICY WORK GROUP**

WHEREAS, the Town Board adopted a Policy on Endorsements in Resolution 211 of 2017 which outlines the criteria to consider when an external group asks the Town to endorse a policy, position and/or display a flag and

WHEREAS, On June 9, 2020 the Town Board agreed to develop a policy to govern whether and under what circumstances the Town of Ulysses would agree to display additional flags to promote approved causes or events,

Now Therefore Be It

RESOLVED that the Town Board creates a work group comprised of Katelin Olson, Michael Boggs, and Carissa Parlato to develop a proposed Flag Policy for the Town Board to consider at a future meeting.

Moved: Ms. Zahler                      Seconded: Mr. Goldman

Ms. Zahler	aye
Ms. Olson	aye
Mr. Boggs	aye
Mr. Goldman	aye
Mr. Devokaitis	aye

Vote: 5-0

Date Adopted: 7/14/2020

**APPROVAL OF MINUTES**

**RESOLUTION 2020-147: APPROVAL OF MINUTES**

RESOLVED that the Ulysses Town Board approves the minutes from the 6/23/20 Public Information Meetings and the regular town board meeting as amended; and the Special Town Board meeting on 7/8/20.

Moved: Ms. Zahler                      Seconded: Ms. Olson

Ms. Zahler	aye
Ms. Olson	aye
Mr. Boggs	aye
Mr. Goldman	aye

Mr. Devokaitis            aye

Vote: 5-0

Date Adopted: 6/9/2020

**PRIVILEGE OF THE FLOOR:**

Ms. Marino noted that there is a lot of history on the fire budget and is willing to share

**APPROVAL OF CLAIMS**

**RESOLUTION 2020-148: APPROVAL OF CLAIMS and WD3 CHARGES**

RESOLVED that the Ulysses Town Board has reviewed the following claims:

- HA fund vouchers # 17-18 in the amount of \$3621.03
- HB fund voucher #5-7 in the amount of \$7046.42
- A-SW funds vouchers #266-311 in the amount of \$153,272.77

Moved: Ms. Zahler      Seconded: Mr. Goldman

Ms. Zahler                aye

Ms. Olson                 aye

Mr. Boggs                aye

Mr. Goldman             aye

Mr. Devokaitis           aye

Vote: 5-0

Date Adopted: 7/14/2020

**ADJOURN:**

Mr. Goldman moved to adjourn the meeting at 10:37pm. This was seconded by Ms. Olson and passed unanimously.

**APPENDIX I:**

**TOWN REPORTS:**

**TOWN CLERK: Submitted by Ms. Parlato**

<b>LICENSES/PERMITS issued:</b>	<b>#</b>
Sporting licenses	0
Disabled parking permits	13
Dog licenses and renewals	77
Marriage licenses	1
Plumbing permits	0
Address assignments	1
Notarizations	4
FOIL requests-received	0
FOIL requests-completed	0

<b>FINANCIAL REPORT:</b>	
\$1659.50	TOTAL Collected for fees & licenses
\$1520.38	stays in the town
\$139.12	goes to the state

**CLERK'S OFFICE TASKS:**

- Routine tasks:
  - retrieved, sorted, vouchered mail, answered inquiries on various topics, attended town board meetings and took minutes, kept website current
- Emergency tasks during COVID-19:
  - Take part in periodic meetings with county health dept., community leaders, town staff, Village/Town/School
  - Assist in review and update of Reconstitution of Operations Plan
  - Sent weekly listserv messages to residents, mailed and posted dog licenses;
  - Order sanitation supplies for staff/visitors
- Human Resources tasks:
  - Meet with Nancy & Michelle to begin to formalize HR tasks /process for the town

**TAX COLLECTION:**

- Prepare final report and check for town supervisor.

**SALO HABITAT COMMITTEE:**

- Meet with committee to discuss outside request for usage

**WATER DISTRICT TASKS:**

- Meet with Bookkeeper and Deputy Supervisor to create and clarify water fund reconciling procedures.
- Aerator grant- open bids
- Meet with Michelle and EFC representative on various water topics: capital planning, maintenance schedules

**SAFETY COMMITTEE:**

- Begin preparations for annual staff trainings

COMMITTEES/ASSOCIATIONS:

- Health consortium:
  - July meeting cancelled
  - Continuation of waived co-pays for COVID testing

CONFERENCES:

We have gotten refunds and cancelled plans to attend conferences this year.

**DEPUTY SUPERVISOR: Submitted by Michelle Wright**

Emergency Related

- Weekly standing meetings have slowed down and have become bi-weekly.
- Sanitization of Town Hall when last in building for day.
- Special Projects
  - ROOP development
    - Internal and external communications pertaining to use of Town Hall
      - Preparation for facilities to be used by the Interstate HVAC installers
      - Ensuring proper signage and disinfectant available
    - “Phase B By Appointment”: ROOP Phase development with Clerk’s office and subsequent staff training and communications.
    - Work with Clerk’s Office: sanitation supplies and signage for Town Hall

Active Grant Updates

- NYSERDA Heat Pump Grant
  - Internal Activities: on-going site support and weekly meetings regarding installation, other coordination with contractor, working committee meeting.
  - Engineer Update: partial completion inspection and report. No major issues at that point regarding installation.
  - Timeline update: Unfortunately, due to the on-going emergency along with a hot start to the summer, Interstate is estimating that construction will be complete by the first week of August.
- Cemetery Road Bridge over Trumansburg Creek (NYSDOT funded with FHWA money, Barton & Loguidice Engineers)
  - Engineer Update:
    - NYSDOT authorized detailed design phase: first round of drawings (ADP) submitted by B&L by September.
    - ROW updates:
      - Supplemental agreement with NYSDOT
      - NYSDOT will conduct private temporary ROW agreements with land owners
      - \$2000 be moved from the Construction Phase to the ROW Acquisition Phase
      - Permission to work on Village land: signed agreement obtained
    - B&L is also in meetings with utility owners to coordinate any necessary relocations.
  - Revised Project Timeline:

When	What	Status
September 2018	Project Awarded Bridge NY	Complete

	Funding	
October 2018	Project Added to STIP/TIP	Complete
January 2019	State-Local Agreement Executed	Complete
January 2019	Design Consultant Contract Executed	Complete
January 2020	Design sent to NYSDOT for review	Complete
March 2, 2020	Public Meeting	Meeting held 3/2
January 2021	ROW Acquisition Completed	NYS will conduct, this is in process
January 2021	PS&E Approved by County & State	
February 2021	Project Letting	
June 2021	Begin Construction	
October 2021	Complete Construction	

- WD #3 WIIA Grant (EFC funded, MRB Engineers)
  - Internal activities:
    - Internal financing work.
    - Bid opening and award.
  - Engineer Update:
    - Gerwitz and McNeil pulling together information regarding insurance
    - Date for notice to proceed/preconstruction meeting: sign contract—targeting last week of July or first week of August
      - Starts contract timeframe
      - MRB bringing hard copies
  - Revised Project Timeline:

Advertise to Town	5/21/20
Plans and Specs Available for Bidders	5/26/20
Pre-bid Meeting	6/2/20
Bid Opening	6/19/20
Provide Bid Tabulation & Summary of Bids to Town	TBD
Board Meeting to Award Contracts	6/23/20
Start of Construction	August 2020
Substantial Completion of Construction (91 days)	10/5/20
Final Completion of Construction (30 days)	11/5/20

- Reminder of general time frame for construction:
  - Estimation of about a 2 month timeline from when we get the go ahead from when construction will start
    - 3-4 month construction window

### Other Work

#### Curry Road Structure Replacement

*Based on conversations with MRB, B&L, Cornell Local Roads and ITCTC: BRIDGE NY is likely to be the most available funding for this: leave this item in the report as a place marker until we find funding and get the structure replaced.*

## Audit of the 2019 Financial Year

*Although we have yet to receive a report, conversation and feedback from Insero has already informed how to improve our bookkeeping processes. We will be receiving what is called a 'modified opinion' on at least our asset valuation process, which we knew was coming. Feedback from Insero has included some valuable ways in which to develop the database in order to becoming fully compliant along with suggestions as how to move forward the next couple years in anticipation of the federal single audit in 2022 or 2023.*

- Communications with Insero regarding documents required for audit, procedural process conversations, and development related conversations.

## Other Financially Related & Bookkeeper Supervision

- COVID budget YTD analysis.
- Reserve use for 2020 budget plan development and related communications.
- Handling of non-staff fraudulent Unemployment claim
  - Apparently this has been a common occurrence as of late: claims filed fraudulently by someone other than the employee themselves.
- On-going supervision of closing monthly financial books, corrections and other oversight pertaining to accuracy of entries and 2019 clean up.
- Payroll supervision.
- On-going review of expenditures, vouchering process.
- Prep work for audit of the 2019 financial year:
  - File uploads
  - Asset related data work with Sarah Koski
  - COVID on-site safety and logistical communications with auditing firm

## Capital Asset GAAP Compliance & Multi-year Financial Planning

- Asset database is up and functioning: continued work regarding managing the data within it is on hold during this reporting period due to emergency.

## Water District 3

- Multi-year budget creation.
- Bookkeeping meeting with Clerk and Bookkeeper: working towards reconciliation of water billing and receiving to ensure both offices agree on numbers.
- 6/30 Free consultation meeting with Town Clerk and a Research Engineer from EFC University of New Mexico to obtain water district related capacity building tools:
  - Water Loss
    - AWWA's M36 Water Loss Audit software: <https://www.awwa.org/Resources-Tools/Resource-Topics/Water-Loss-Control>
    - Data to Collect for your Audit: if interested ask me for file
    - Data Validity Sheets: <https://swefc.unm.edu/home/resource/water-audit-data-grading-sheets/>
    - Data Validity Software: <https://swefc.unm.edu/home/resource/data-validity-worksheet/>
    - Flow Weighted Average Tool: <https://swefc.unm.edu/home/resource/flow-weighted-average-tool/>
  - Capital Planning
    - Replacement Valuation Tool:

- <https://swefc.unm.edu/home/resource/replacement-valuation-tool/>
- Replacement Cost Estimates – see Appendix A3 in the AM KAN Work! Manual: <https://swefc.unm.edu/home/resource/am-kan-work-an-asset-management-and-energy-efficiency-manual-2/>

- 7/10 Big Picture meeting

#### Miscellaneous

- Meeting with NYMIR re: cyber security.
- Work with Recreation Director on financial and logistical elements regarding the question of summer camp this year.
- Free tourism consult meeting to identify low hanging fruit regarding economic development and recovery.

#### Upcoming

- *Budget season has begun: the creation of the 2021 budget will translate into the majority of work on a weekly basis through budget adoption.*
- *Close out work related to HVAC project: LED and insulation work post HVAC installation and testing.*
- *Ongoing work with 2020 budget redesign*
- *WIIA grant HA fund work related to construction*
- *Multi-year financial planning work in preparation for the 2021 budgeting creation season*

#### **SUPERVISOR- Submitted by Ms. Zahler**

##### Staffing

##### Code Enforcement:

- See Building Report from Code Enforcement Officer Mark Washburn in separate report.
- Completed Shared Services Agreement with Town of Ithaca
- Requested and received recommendations from Town of Ithaca Code Officer on potential updates to our systems and procedures.
- Authorized purchase and use of a portable tablet and Google Docs to document inspections to increase efficient record-keeping. Authorized payment at a reduced cost of current required code books.
- A new building permit application, permit and inspection form will be created as Google document for easy access in the field and seamless uploading to Town archives.
- Authorized training time and comp time for M. Washburn to attend training classes.
- Mark is stepping into the role and can maintain informal contact with Town of Ithaca as needed.
- Code received an inquiry from Grassroots about a possible plan to hold a series of car concerts at their Falls Road property in mid-August to early September, contingent on Health Department approval.
- Held an informal staff gathering to boost morale during remote work at Jville Park June 11, 2020

##### Human Resources

- Will continue to work with staff and department heads re: best use of Town resources to meet current and projected workloads.

## Highway

- Scheduling union negotiations with Teamsters and local union steward with Rich Goldman, Scott Stewart as part of management team. Outlined issues for Town Board members to consider in executive session to prepare for negotiations.
- Sought and received confirmation that County payments to the Town for plowing will NOT be reduced for 2020.

## **Budget/ COVID-19**

- All staff are working full duties
- Worked with Michelle on updating sales tax report for Town Board and budgeting process for 7/14/20
- Michelle and I will work with department heads to monitor current spending and project end of year spending to assure reductions are in line to cover revenue shortfalls.
- COVID related group calls are phasing to every other week and Village and Town are consolidating community calls re: virus, staffing, budget impacts, re-opening, coordination of efforts
- Assisted with re-opening planning led by Michelle and Carissa
- Town Justice Mark Dresser and Highway Deputy Superintendent Dave Snyder converted Town Hall office doors for Clerk and Building/Zoning to be dutch doors with counters and plexiglass shields to protect employees and the public as the building re-opens gradually for in-person services.
- Met with a consultant who could help review our safety procedures.
- Authorized Clerk's office to waive late water fees for those with hardships and to waive fines for those licensing dogs who couldn't get rabies update from closed veterinarians.
- Tracking County budget process. They are asking departments for budget scenarios of 0% growth and a -12% cut for 2021.
- Received tax payment from Clerk; communicated to TB re: audit inquiries
- Working with Michelle and Attorney Sokoni to clarify reserve fund authorization and use.
- Attended webinar on creating a policy for fund balances. Will follow up with Rich Goldman and Michelle Wright.

## **Capital Projects/Grants**

- Michelle remains point on Bridge, Aerator and HVAC
- Worked with Michelle, MRB and Municipal Solutions on aerator financing plans
- Follow up meeting HVAC team re: last component of grant: converting Town Hall lighting to LED
- Signed right of way materials to move bridge project forward
- Follow up meetings with Jacksonville Community Association about completing restroom and connecting water line started Fall 2019.
- NYSERDA grant for zoning sent a payment of \$2025 based on project reporting done by J. Zepko. There may be one final payment when loose ends are submitted, reviewed and approved.
- Researched current status of Streetlight project to buy lights from NYSEG as approved October 2019 and to convert them through a consortium to LED for energy and cost savings.

### **Water District 3**

- Worked with Khandi, Chris and Bill Davis and applicant on out of district user agreement-request was subsequently withdrawn on 6/23/20.
- Notified WD3 users of availability of a water quality report and sent update on water quality
- Authorized additional water testing recommended by Mr. Boggs to have a clear base-line before aerator installation and to help with calculating rolling annual TTHM levels for the TC Health Department.
- Met with Carissa, Michelle, Michael & Chris Stevenson to outline short and long term work plan items for Water District 3, including reconciliation of water losses.
- Received bond payment documentation for debt service which will be retired in 2024.

### **Recreation/ Youth Commission**

- Met with Youth Commission to review next steps with summer programming
- Received United Way funding allocations for July 1, 2020-June 30, 2021. Recreation funding was cut by \$500 and funding to reimburse the town for our payment to Cooperative Extension for Youth Program was reduced by \$1250.
- The Intermunicipal Recreation Partnership will send a rebate of 18% or \$1526 to the Town in 2-3 weeks for lost services due to COVID layoffs at the City of Ithaca Youth Bureau
- Sought and got funding guidance from the County- no cuts planned for County Youth funds in 2020
- County notified us of a possible \$3403 funding cut if the -12% scenario is necessary.
- Assisting Will in transitioning to smaller summer programs and safe community recreational options.
- Will work with Will, Michelle and the Village of Trumansburg re: 2020 funding.
- Coordinating JCA access to Town's online recreation program to facilitate scheduling public's use of their park and pavilion
- Received an inquiry from Tburg Community Recreation about whether Town could help with liability insurance if new playing fields were purchased. Youth Commission will discuss guidelines for possible collaborations with TCR and other smaller, parent-run efforts with consultation from our insurers.

### **CARS**

- Followed up on contract issues. Town Attorney is finalizing a restatement of the original contract.

### **PLANNING/ZONING**

- Worked with John Zepko and Khandi to revise zoning amendment and resolutions for 7/14/20
- Getting updates from John Zepko on Planning Board & BZA items. See John's report for more details on these and his work with the County's Hazardous Mitigation Plan Update

### **Town Board**

- Prepared materials for Town Board meetings on 6/16, presentations for 6/23, 7/8 and 7/14
- Drafted action steps for the Board to consider re: promoting racial justice and inclusion and started working with Carissa to research resources for training and policy action
- Gathered flag policies for work group

### External meetings/constituent calls/Town Court

- Census committee to promote complete count
- Attended TCCOG which included a Water Resources report by Liz Thomas
- Received a concern from resident on Rabbit Run re: flooding. Highway responded.
- Received constituent call praising Steve Manciocchi for outstanding Highway response.
- Justices have been extremely cooperative in sharing state grant resources. New grant proposals could include equipment upgrades for court room that would enable Town Board to livestream meetings AND accommodate remote participation via zoom; possibly a mechanical door opener for handicapped entrance and a camera/buzzer/intercom system to regulate entrance when the building is closed.
- Checked with Court Clerk to see if racial data is gathered in local court cases to determine if our policies or practices are racially fair. No data available.
- Habitat Preserve Advisory Board met via zoom to review Library proposal for self-guided tours as part of the summer reading program. Request approved and special use application has been drafted.
- Habitat steward Marvin Pritts and Historian John Wertis drafted language for the marker at the Habitat describing its history and Supervisor Liz Thomas' contribution in securing funding for this nature preserve.
- NYS AOT distributed their legislative priorities. (copy will be sent separately)

### **CODE REPORT- Submitted by Mr. Washburn**

Building Permits issued	9
Plan Reviews	13
Certificate of Occupancy issued	1
Certificate of Compliance issued	1
Complaints Received	1
Complaints Resolved	1
Inspections (Footers, Foundations, Plumbing, Insulation, roofing, Pools, Etc.)	7
New Site Inspections	12
Building Review Consultations (pre-plan meetings, Future Building/Remodeling)	5
Fire Safety Inspections	10
Code Training Seminars	9a code training completed
County Assessment, Town, DOS Reports	1
Open property in violation cases	5
Property violations resolved	1

Value of Permits issued: \$203,574

Building Permit fees collected for month: \$1031.

### **MS. OLSON-**

Attended BZA, Youth Comm, will discuss fire budget modeling

**MR. GOLDMAN-**

Health consortium will offer some relief next year. Not sure how it will be done yet.

**MR. BOGGS-**

- Fire calls- got report. Still nothing from EMS
- Wants to do more water testing
- Flag policy
- Work plan- didn't finalize
- Town Hall lighting

**MR. DEVOKAITIS-**

Solar, webinars...

- Vouchers
- Flag policy- talked to village

**PLANNING/ZONING- Submitted by Mr. Zepko****Planning Board**

- 2 June meeting
  - 1 minor subdivision requests was approved, resulting in the creation of 1 new lots.
  - 1 major subdivision (4 lots) was proposed – public hearing set for July
  - 1 lot line adjustment was administratively approved

**Board of Zoning Appeals**

- 17 June meeting
  - A request to vary the maximum allowable footprint of a building in the Lakeshore District was heard. The application was approved.
  - An area variance to build within the side yard setback of the Lakeshore District was heard. The application was approved.
  - The Board declined to make a motion to rehear an appeal that was decided (denied) in November of 2019.

**Planner Activity**

- Cleaner Greener Grant (39053) - Responded to comments from NYSERDA on Draft Final Report and Project Benefit Metric Report. At the request the project manager we must submit quarterly reports for the time period of Q4 – 2017 to Q4-2019.
- 4 June – attended training for Continuity of Operations for Town operations and Dept. of Zoning and Code Enforcement including procedures for the handling of Planning Board and Zoning Board submissions.
- 9 June – Attended Town Board meeting to discuss amending the max building footprint in LS and CZ zones
- 15 June – met w/ TetraTech to discuss the Ulysses portion of the County Hazard Mitigation Plan
- 16 June – presented proposed amendments to the LS and CZ zones at public information meeting
- 23 June - Attended Town Board meeting to discuss amending the max building footprint in LS and CZ zones

### **Zoning Enforcement**

Code Enforcement Officials Martin Kelly and Mark Washburn discovered a parcel along the Cayuga Lake shoreline that had begun earthwork without sufficient erosion and sediment controls. Work was stopped and I was consulted as the Stormwater Management Officer/ Zoning Enforcement officer. I worked with the property owner and site engineers to develop and install an erosion and sediment control plan to stabilize the property immediately. In the interest of environmental protection, the Planning Board Chair-woman agreed to expedite the project's application for site plan review, as it was located in a steep slope overlay. Due largely to inter-departmental cooperation and a willing landowner, the site is stable, site plan approval has been secured, and the matter resolved.

### **Hazard Mitigation Plan**

Staff is coordinating to complete portions of the Town of Ulysses annex of the Tompkins County Multi- Jurisdictional All Hazard Mitigation Plan. Historic information pertaining to the number of homes built, the number of homes built in a flood plain, etc., has been compiled. Further information regarding historic emergencies/weather events, as well as the Town's current ability to respond to future emergencies is being gathered. Meetings with the project consultant (TetraTech) have occurred and a meeting of the stakeholders (Tompkins County communities and partners) has been scheduled for July.

### **MS. SOKONI shared that she spent time on the following items this month:**

- Zoning
- Water District 1 contract
- Reserve fund re-establishment

## APPENDIX II:

### Comments received from Peter Houghton 7/13/20

Ulysses Town Board and Staff:

Tomorrow's Board agenda includes an item for Zoning Amendment #1. I'm assuming the Board will re-open it's tabled motion from June 23rd and revisit the LS and CD Zones footprint issue as well as cleaning up some conflicting language from the 2015 Zoning Code and formulating a definition of "FOOTPRINT" to be added to the code.

Based on discussions and comments from past Board meetings, Public Information Meetings, last Fall's Public Hearing and adoption of the 2019 Zoning Code, it's my observation that there are differing assumptions, estimates, conjectures and opinions as to the meshing of the LS zoning code with the existing development and conditions. Mr. Zepko did a presentation a few weeks ago that gave averages and overviews of the extent of the LS Zone. To fully understand the impact of the code, it is important to go further and look at the specific data and details as to how the LS Code requirements apply to the existing parcels.

I have performed an LS Zone analysis through a detailed review of the Town of Ulysses Tax Maps that cover the LS Zone properties. These maps show parcel location, parcel orientation, parcel size, parcel dimensions and parcel structures. There are 11 Town of Ulysses tax maps that cover the LS Zone. I obtained the latest edition of these maps (July, 2019) through the Tompkins County Assessment Office. I conducted a thorough examination of these maps. My review was based on the Lot Area, Frontage and Depth requirements contained within the Ulysses 2015 LS Zone Code. Note that the LS Zone code has different standards for parcels with water frontage and parcels without lake frontage.. My analysis reviews both categories. As a reminder for your convenience, the LS Parcel Code factors pertinent to this study are:

LS Zone Parcels with lake frontage:

Lot size: 2 acres  
Water frontage: 250 feet  
Road frontage: 250 feet  
Parcel depth: 250 feet

LS Zone Parcels without lake frontage:

Lot size: 5 acres  
Road frontage 250 feet  
Parcel depth: 450 feet

The results of the study follow:

> There are 216 tax parcels within the Ulysses LS Zone. Mr. Zepko's presentation identified 211 such parcels. However, his map did not include the 5 parcels still in Ulysses that are north

of Taughannock State Park, off of Watermark Road. 175 parcels have lake frontage, 41 parcels do not have water frontage.

> Of the 175 waterfront parcels, 164 (94%) have structures. Only 11 (6.3%) meet the current code requirements for lot size, water frontage, road frontage and lot depth. 10 of these conforming lots already have structures, the 11th is a Land trust Preserve. Only 1 of these 11 conforming lots has enough size, frontages and depth to be subdivided into 2 lots. Consequently, only 1 out of 175 waterfront parcels ... 1/2 of 1% ... could be subdivided without going through the variance procedure. Note this lot already is developed with buildings.

> Of the 41 non-waterfront parcels, only 3 ( 7.3%) meet the current code requirements for size, frontage and depth. None of these are of sufficient size to be subdivided without a variance.

The above facts show that 164 (94%) of the existing LS waterfront parcels and 38 (93%) of the non waterfront LS parcels cannot expand their residence, revise their structure footprints or attempt to subdivide without a variance request and approval from the Board of Zoning Appeals. That process allows for each individual case to be evaluated by the Town and resolved on its own merits and circumstances. Note that besides the lot size, frontage and depth standards, the LS code has additional building requirements with lakeshore, road, side yard and stream setbacks. Depending on location, additional restrictions pertaining to steep slopes, erodible soils, rock outcrops and Unique Natural Areas may also be applied for environmental protection purposes.

There have been concerns and warnings voiced regarding overdevelopment and destruction of the ambiance of the Town of Ulysses waterfront. These voices have expressed the opinion that severely limiting new residence footprints would be a means of controlling these issues. In reality, there is very little LS Zone waterfront property that isn't already developed. 10 of the 11 LS waterfront parcels that meet the current code already have one or more buildings on them. The remaining parcel is a Land Trust Preserve. Only 1 of these conforming lots is of sufficient size to subdivide without a variance. That parcel already has buildings. Of the 3 conforming non-waterfront lots, one has a structure. The other two are 5.8 and 6.0 acres on the steep side hill between Maplewood Road and NYS Route 89. Five acres is the minimum lot size, so these two lots could not be subdivided. Considering the topography, any development on either of these parcels is doubtful.

Given the above facts, it is my position that applying a highly restrictive, small (2000 SF) fixed footprint restriction to protect the environment and control development is arbitrary and unwarranted. The LS code has a 5% footprint formula that would control footprint size on any of the currently developed small parcels where an owner may wish to remove an old building and build new. 202 out of the 216 LS Zone parcels would need a variance to make any changes to their properties. 12 of the 14 remaining conforming LS Zone lots, including all of the waterfront parcels are already developed.

I sense that the Board believes a fixed footprint cap needs to be applied to all zones. Footprint caps are included in the large A/R Zone and the Residential Zone. However, these caps are 5000 SF, not 2000 SF. Note that the 5 % formula would allow a 4350 SF footprint on the minimum lake lot of 2 acres. Lots smaller than 2 acres would be proportionally smaller footprints or need a variance to exceed the 5% formula. The non-waterfront LS Zone and the CD Zone both require minimum lot sizes of 5 acres. If the Board is committed to a footprint cap, I propose that the A/R and Residential Zones 5000 SF cap be applied to the LS and CD zones. Note that with a 5 acre minimum lot size in the LS non waterfront and CD Zones, a 5000 SF cap represents only 2.3% of the parcel size. The CD zone has further restrictions that a parcel can only be subdivided twice. Hence, a large CD parcel of some 45 acres could only be split into 3 15 acre parcels or 2 five acre parcels with a remaining 35 acre parcel that would have to remain intact. It's inconceivable that application of a 5000 SF cap could be considered overdeveloped or damaging to the overall appearance of the Town.

Thank you for your consideration of my report.

Peter Houghton, P.E.

**APPENDIX III:**

**LOCAL LAW No. \_\_\_\_\_ of 2020  
A LOCAL LAW AMENDING TOWN OF ULYSSES ZONING LAW REGARDING  
LAKESHORE AND CONSERVATION ZONES.**

**SECTION 1. LEGISLATIVE HISTORY AND PURPOSE.**

The Town Board of the Town of Ulysses (Town Board) enacted Local Law No. 3 of 2019 on December 10, 2019, which law was filed with the New York State Secretary of State on December 16, 2019. Local Law No. 3 of 2019 repealed in its entirety the Town of Ulysses Zoning Law adopted by Local Law No. 3 of 2013, amended from time to time, and codified as Chapter 212 of the Laws of the Town of Ulysses, and in its place adopted a new zoning law.

The Town Board now seeks to further refine the Ulysses Zoning Law by revising the maximum foot print of buildings in the Lake Shore Zone (LS) and Conservation Zone (CZ), as well as to refine building standards in these zones to protect the impact of development on the steep slopes and natural resources according to the goals set in the Ulysses Comprehensive Plan of \_\_\_\_\_.

**SECTION 2. AUTHORITY.** This Local Law is enacted pursuant to the statutory authority conferred on the Town of Ulysses by Municipal Home Rule Law Section 10, and New York Town Law Section 264.

**SECTION 3.** Chapter 212 of the Codified Laws of the Town of Ulysses is hereby amended as follows: Article VIII

**LS — Lakeshore Zone**

**§ 212-42 Purpose.**

A. The purposes of the Lakeshore Zone are:

- (1) To protect the fragile environment of the lakeshore, that area east of State Route 89 to the center line of Cayuga Lake, in accordance with the Town of Ulysses Comprehensive Plan (2009);
- (2) To provide a regulatory framework through which development can occur with minimal environmental impact; and
- (3) To develop design standards for houses and accessory buildings that create a harmonious effect for the natural environment and the residents.

B. In particular, the following are important aspects or considerations for the Lakeshore Zone:

- (1) Among the important natural and ecological features of the Lakeshore Zone are steep slopes, mature forests, fragile cliffs, tributaries, and seasonal streams feeding into Cayuga Lake.
- (2) In recognition of their natural and ecological significance, several areas of the Lakeshore Zone have been designated as unique natural areas by the Tompkins County

Environmental Management Council.

- (3) The Town has designated a slope overlay area, which recognizes six soil types that when disturbed are significantly erodible and unstable based on their characteristics and slope steepness (see Article **IV**, Terminology).
- C. Nothing in these regulations is intended to require or permit activities which contravene any laws, rules, or regulations or permits of the United States or New York State, or any agency thereof, nor are any of the provisions intended to supersede any requirements for obtaining any permits or approvals required by the United States or New York State, or any agency thereof.

**§ 212-43 Permitted uses.**

- A. Only the following buildings or uses are permitted in this district, and site plan approval, pursuant to the provisions of Article **III**, § **212-19**, is required in unique natural areas and slope overlay areas:
- (1) Single-family residences and their accessory buildings.
  - (2) Two-family residences and their accessory buildings.
  - (3) Any municipal or public utility purpose necessary to the maintenance of utility services except that substations and similar structures shall be subject to the same setback requirements that apply to residences.

**§ 212-44 Permitted accessory uses.**

- A. The following are permitted accessory uses, which are customarily incidental to the permitted uses listed above in § **212-43**:
- (1) Accessory buildings, as defined in Article **IV** and subject to provisions of Article **XXIV**, § **212-167**: *Accessory Buildings*.
  - (2) Accessory Dwelling Unit, subject to the provisions of Article **XX**, § **212-128**.
  - (3) Elder Cottage, subject to the provisions of Article **XX**, § 212-139.5.
  - (4) Open-sided elevators/lifts.
  - (5) Temporary buildings, as defined in Article **IV**.
  - (6) Minor solar collection system subject to the provisions of Article **XX**, § 212-139.1. [Added 11-24-2015 by L.L. No. 3-2015]
- B. Site plan approval, pursuant to the provisions of Article **III**, § **212-19**, is required in unique natural areas and slope overlay areas for the permitted accessory uses listed in this section.
- C. Permitted accessory uses without site plan approval. Such uses as are customarily incidental to the permitted uses listed above in this article, § **212-43**.

(1) Signs as regulated under Article **XX**, § **212-122**

(2) Home occupations, where no more than one person residing off the premises is employed.

**§ 212-45 Uses permitted by site plan approval.**

The following uses are allowed upon approval of a site plan by the Planning Board and subject to the design standards set forth in relevant sections of Article **XX**:

- A. Adult care, family.
- B. Farm Operation.
- C. Bed-and-breakfast operations where such is part of the residence.
- D. Child care, family.
- E. Professional offices where:
  - 1) Such office is part of the residence property; and
  - 2) No more than three persons residing off the premises are employed on site.

**§ 212-46 Uses allowed by special permit.**

The following uses are allowed upon approval of a special permit pursuant to Article **III**, § **212-18**, subject to the design standards set forth in relevant sections of Article **XX** and site plan review by the Planning Board:

- A. Fire stations or other public buildings necessary to the protection of or servicing of a neighborhood.
- B. Restaurants.
- C. Public or nonprofit owned boat launching site, swimming beach, picnic area.
- D. Public or nonprofit owned park or playground, including accessory buildings and improvements.

**§ 212-47 Lot area and yard requirements.**

- A. There shall be no more than one principal building on any lot in the LS-Lakeshore Zone.
- B. Minimum lot area shall be two acres for lake front lots and five acres for non-lake front lots.
- C. Minimum lot width at the mean high-water elevation (MHWE) shall be 250 feet and minimum lot width at the road frontage shall be 250 feet for all non-flag lots.
- D. Minimum lot depth shall be 250 feet for lake front lots and 450 feet for non-lake front lots.
- E. Minimum setback, front and rear, shall be 50 feet from the highway right-of-way, and 50 feet where the lot abuts the lake; the MHWE shall be used for setback measurement. Docks, boat

hoists, and boat ramps are permitted within the setback area.

- F. Minimum side yard setbacks shall be 15 feet, except for a corner lot fronting on two public streets, where the minimum yard setback for the side yard to the street or road shall be 25 feet.
- G. Maximum building height for the principal dwelling shall be 32 feet above average grade measured at the building perimeter.
- H. Maximum lot coverage for all building footprints shall be 5% of the lot area. For lots with a single-family or a two-family residence, lot coverage calculations do not include driveways, walkways, or parking areas. The term “building footprint” is defined in Article IV, §212-22.
- I. Streams and wetlands are required to have a protective setback as defined in § 212-124.
- J. No parking areas shall be constructed within 50 feet of the MHWE.
- K. Flag lots shall meet minimum lake frontage (250 feet) and lot area (two acre) requirements. Lot area excludes the pole. The pole shall connect to the road, not the lake. Non-lakeshore flag lots shall meet minimum lot area (five acres) excluding the pole. See Article XX, Design Standards, § 212-130.
- L. The above notwithstanding, in the case of a lot with frontage on the lake, accessory uses such as pump houses, docks, boat ramps and boat hoists typically associated with water-oriented recreational pursuits are permitted within the front yard setback area fronting on the lake; provided, however, that they are located outside of the required side yard setback areas and conform to the regulations or permits of the United States or New York State.
- M. For the purposes of cluster development on a lake front lot, one dwelling unit will be allowed per 150 feet of lake frontage.
- N. Maximum building footprint shall be 3,500 square feet, except for Accessory Dwelling Units which shall have a maximum floor area of 1,200 square feet pursuant to Article XX, §212-128.

#### **Lot Area and Yard Requirements Summary**

<b>Requirement</b>	<b>Lake Front</b>	<b>Non-Lake Front</b>
Lot coverage, maximum (percent)	5	5
Building height, maximum (feet)	32	32
Lot area, minimum (acres)	2	5
Maximum footprint of principal building	3,500	3,500

### Lot Area and Yard Requirements Summary

Requirement	Lake Front	Non-Lake Front
Lakeshore frontage, minimum (feet)	250	Not applicable
Lot width at road frontage, minimum (feet)	250	250
Lot depth, minimum (feet)	250	450
Setback from lakeshore, minimum, measured from MHWE (feet)	50	Not applicable
Setback from road or rear property line (feet)	50	50
Side yard setback, minimum (feet)	15	15
Structure or parking area or road setback from perennial/intermittent stream, minimum ( <b>not</b> in unique natural area or steep slope overlay (feet)	50	50
Structure or parking area or road setback from any perennial/intermittent streams, or Federal wetland edge in unique natural area and steep slope overlay areas, minimum (feet).	75	75
Structure or parking area or road setback from any State wetland edge.	100	100
Structure or parking area or road setback from any Federally or locally designated wetland edge.	50 – 100 (see §212-48 below)	50-100 (see §212-48 below)

**§ 212-48 Design standards.**

In the event of any conflict between the provisions of this § 212-48 and other provisions of this chapter, the provisions of this section shall prevail.

A. Streams.

- (1) Perennial and intermittent streams are, and wetlands may become, prominent features of the Lakeshore Zone and the condition of these water bodies directly affects the health of Cayuga Lake and the various creatures that depend on the water for sustenance. As such, it is the intent of these Lakeshore Zone regulations to ensure the continued preservation and health of these many Cayuga Lake tributaries for current and future generations.
- (2) For the purposes of this section, the area of a wetland is defined by both state and federal governing regulations. Buffer areas apply to federally protected wetlands greater than 0.1 acre.
- (3) Requirements.
  - (a) To the extent possible, perennial and intermittent streams shall be protected from sediment, effluent, sewage, and driveway runoff.
  - (b) Diverting or altering the course of perennial or intermittent streams shall be prohibited, except where a NYSDEC permit is obtained in advance of starting work.
  - (c) Unless otherwise authorized by the Planning Board or state or federal agency, no disturbance as listed previously in this section shall be located within 100 feet of any NY State regulated wetland or 50 feet from a Federally or locally regulated wetland.
  - (d) During the site plan approval process where there is evidence of a wetland, the Planning Board may require a wetland delineation study to determine potential impacts of development on said wetland.
- (4) Recommendations.
  - (a) Plowing of salt laden snow from driveways into streams should be avoided.
  - (b) The proximity of docks to mouths of tributaries should consider natural variation in stream boundary location so as to not interfere with stream flow over time.
  - (c) Stream bank vegetation should be encouraged to minimize erosion. Where necessary, stream banks should be replanted with native species.
  - (d) Flow of water in Cayuga Lake tributaries should not be impeded by human-made structures in or spanning streams.

B. Vegetation and landscape.

- (1) The intent of the Town of Ulysses is to preserve and encourage vegetation, especially

noninvasive trees and shrubs, in the Lakeshore Zone in order to prevent erosion, sedimentation of the lake and streams, and maintain the rural, scenic nature of the Town. The intent of this section is to encourage landowners in this district to preserve and encourage vegetation for the benefit of current and future residents of the Town.

- (2) The intent of the Town of Ulysses is to preserve the natural features of the Lakeshore Zone and, as such, to allow development that uses mechanisms that minimize disruption of the current ecological balance. The Zoning Officer and Planning Board shall review all development with the following guidelines when reviewing a site plan for approval.
- (3) Requirements. Tree removal, except clear-cutting, is allowed in the Lakeshore Zone outside of unique natural areas or slope overlay areas. Tree removal is allowed in the Lakeshore Zone in the unique natural areas or slope overlay areas according to the following terms and conditions:
  - (a) Without Town approval: a tree or trees whose location and conditions combine to make it a threat to human life or property.
  - (b) With the approval of the Zoning Officer and the possession of a valid building permit: those trees that are in the footprint of a construction site, septic system, parking areas, and the driveway access.
  - (c) Clear-cutting of forest stands for any use other than necessary minimal clearing for the requirements of a building project is prohibited.
  - (d) In unique natural areas or slope overlay areas, a woodland management plan shall be filed with and approved by the Zoning Officer and/or the Town's consulting forester for multiple trees removed for the landowner's firewood or lumber use, and for forest management and forest improvement. A woodland management plan shall be prepared by a professional forester with Society of American Foresters certification or by a cooperating consulting forester with the New York State Department of Environmental Conservation.
- (4) Recommendations.
  - (a) In areas outside of unique natural areas and slope overlay areas, a woodland management plan is recommended when removing multiple trees for the landowner's firewood or lumber use and for forest management and forest improvement.
  - (b) Existing noninvasive vegetation should be maintained to the extent practicable to minimize runoff.
  - (c) Buffer areas proximal to water bodies are to be promoted using noninvasive plants to protect water resources.
  - (d) Removal of trees for the purpose of expanding a view is discouraged.

- (e) Removal of trees for the purpose of expanding sunlight exposure is discouraged.
- (f) Native plants should be encouraged, especially shrubs and trees that produce edible fruit and nuts for wildlife.
- (g) Removal of invasive plants (garlic mustard, swallowwort, barberry, honeysuckle, buckthorn, multiflora rose, Russian olive and Norway maple, etc.) is encouraged so long as this effort does not contribute to significant soil disturbance or erosion.
- (h) Wildlife habitats, biological corridors, contiguous forests, and open space linkages should be encouraged and preserved.
- (i) Dead trees that do not pose a threat to life, property or a healthy forest should be left to provide wildlife habitat for both birds and animals.
- (j) New development should not compromise scenic views, in particular viewing points from adjacent roads and trails.
- (k) Regrading should blend in with the natural contours and undulations of the land.
- (l) Buildings proposed to be located within significant viewing areas should be screened and landscaped to minimize their intrusion on the character of the area.
- (m) Building design should harmonize with the natural setting.
- (n) Building materials should harmonize with their natural setting and be compatible with neighboring land uses.

### C. Stormwater

1. In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review, the following standards apply:
2. Any alteration of the hydrology of the site shall be minimized and/or mitigated so as to minimize the impact on water quality, peak discharge, groundwater recharge, and drainage patterns. To the extent possible, the quantity, quality, and timing of stormwater runoff during and after development shall not be substantially altered from pre-development conditions. The recommended technical standards for the design of post-construction structures are detailed in the "New York State Stormwater Management Design Manual," as revised. In reviewing the adequacy of an applicant's stormwater management plans, the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.
3. Priority should be given to maintaining natural drainage systems, including perennial and intermittent streams, swales and drainage ditches.
4. Drainage of stormwater shall not cause erosion, siltation, contribute to slope failures, pollute groundwater or cause damage to or flooding of adjacent or downstream properties.

5. The Planning Board may require the developer or property owner to submit the following:
- a) Stormwater Pollution Prevention Plan (SWPPP), prepared by a NYS licensed engineer or other qualified professional . The contents of the SWPPP and qualifications of qualified professionals are specified in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.
  - b) A statement of the proposed stormwater management objectives.
  - c) A description of the proposed structural and vegetative stormwater measures that will be utilized to ensure that the quantity, temporal distribution and quality of stormwater runoff during and after development are not substantially altered from pre-development conditions. This will include appropriate plans, design data, calculations, and other information.
  - d) A maintenance plan, which describes the type and frequency of maintenance required by the stormwater management facilities utilized and the arrangements that will be made to ensure long-term maintenance of these facilities. Operation, maintenance, and any necessary repairs are the responsibility of the property owner or his/her designee. Storm water management facilities shall have adequate easements to permit the Town to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. If corrective action by the Town is required, incurred costs are the responsibility of the property owner.
  - e) A flood hazard analysis for any development located within or adjacent to the designated floodplain.

D. Soil and sediment control.

- (1) The goals for erosion and sediment control are (1) to minimize the opportunity for soil to be moved by wind, precipitation and runoff and (2) to contain sediment that does move close to its place of origin and thus prevent it from reaching a water body or damaging other lands. In order to ensure that the land will be developed with a minimum amount of soil erosion and to protect the natural character of on-site and off-site water bodies, the Planning Board shall require the developer to follow certain erosion control practices. The standards for erosion and sediment control are as follows:
- (2) A structure or parking area shall have a minimum setback to perennial and intermittent streams of 50 feet or 75 feet if within a Unique Natural Area or Steep Slope Overlay, as measured from the top edge of the slope rising from the bank of the stream. See § **212-124.B**.
- (3) On sites within the slope overlay area or unique natural area, there shall be no

excavation, grading or filling without the submission to the Zoning Officer of an excavation, fill, and grading permit. Excavation, grading or filling of more than 10 cubic yards is subject to site plan approval. The Planning Board may seek recommendations from the Town Engineer, and the associated cost shall be paid for by the applicant. This provision is not applicable to projects with a valid permit from a county, state, or federal agency; nor is it applicable to any projects with current site plan approval.

- (4) In addition to the requirements of this article, any construction, grading, or other activities shall be conducted in accordance with any federal, state, or other local law or requirement pertaining to such activity, including, but not limited to, any requirements of the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.
- (5) Roads and driveways should follow existing contours to the extent practicable to minimize erosion from cuts and fills.
- (6) In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review, the following standards apply:
  - a. The Planning Board may require the developer to submit an erosion and sediment control plan, the contents of which are specified in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.
  - b. Erosion and sediment control practices shall be consistent with requirements of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity. A permit is generally required for construction activities that disturb one or more acre of land.
  - c. The recommended technical standards for erosion and sedimentation control are detailed in the "New York Standards and Specifications for Erosion and Sediment Control" published by the Empire State Chapter of the Soil and Water Conservation Society, as revised.
  - d. The development plan should be consistent with the topography, soils, and other physical characteristics of the site so as to minimize the erosion potential and avoid disturbance of environmentally sensitive areas.
  - e. Existing vegetation on the project site should be retained and protected as much as possible to minimize soil loss from the project site. (This will also minimize erosion and sediment control costs.)
  - f. Erosion and sediment control measures should be constructed prior to beginning any land disturbances. All runoff from disturbed areas should be directed to the sediment control devices. These devices should not be removed until the disturbed land areas are stabilized.

- g. The timing and sequence of construction activities shall expose the smallest practical area of land at any one time during the development. Temporary vegetation and/or mulching should be used to protect critical areas. Permanent vegetation shall be established as soon as practicable. Construction will not be considered complete until all disturbed areas are successfully seeded or stabilized with erosion control materials.

E. Driveways and parking.

(1) Requirements.

- (a) For new impervious surfaces proposed for driveways, parking areas, or walkways in unique natural areas or slope overlay areas, site plan review procedures shall be followed, and the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.
- (b) For safety purposes, parking areas shall be designed and built to avoid the necessity for drivers to back their vehicles onto Route 89.

(2) Recommendations.

- (a) Semi-pervious and pervious surfaces for driveways and parking areas are encouraged to minimize runoff and erosion.
- (b) Driveways and parking areas should be designed to include a combination of pervious and impervious surface materials as needed to provide for safe passage of traffic and to minimize the total area of impervious surface, which would contribute to runoff.
- (c) Driveways and parking areas should follow contour lines of the land as much as possible.
- (d) Excavation and regrading of slopes for parking areas should be minimized.

**§ 212-49 Limitations on subdivision of parent tracts.**

Any tract or parcel of land in common contiguous ownership at the time of the creation of this zone on December 17, 2013, subject to other normally applicable subdivision laws and regulations, may be subdivided to create up to and not more than three lots.

Article IX

**CZ — Conservation Zone**

**§ 212-50 Purpose.**

A. The purposes of the Conservation Zone are:

- (1) To preserve the outstanding natural features in the Town of Ulysses in accordance with the Town of Ulysses Comprehensive Plan (2009);

- (2) To provide a regulatory framework through which development can occur with minimal environmental impact;
  - (3) To preserve existing areas of contiguous open space, prevent destruction of natural areas, preserve existing and potential agricultural land, and promote mechanisms that protect these areas, such as enlarged stream buffer areas, conservation easements, and deed restrictions when considering any future land development; and
  - (4) To preserve the scenic beauty of the area to promote tourism as an important benefit to the Town of Ulysses.
- B. In particular, the following are important aspects or considerations for the Conservation Zone:
- (1) Among the natural values and ecological importance of this area are the mature forest, plant and wildlife habitat, numerous streams, and natural character. The Conservation Zone contains large areas of steep slopes, wetlands, and highly erodible soil, where any future development may have an adverse environmental impact on both the land and Cayuga Lake.
  - (2) In recognition of its natural and ecological significance, several large areas of the Conservation Zone have been designated as unique natural areas by the Tompkins County Environmental Management Council.
  - (3) The Town has designated a slope overlay area, which recognizes six soil types that when disturbed are significantly erodible and unstable based on their characteristics and slope steepness (see Article IV, Terminology).
- C. Nothing in these regulations is intended to require or permit activities which contravene any laws, rules, or regulations or permits of the United States or New York State, or any agency thereof, nor are any of the provisions intended to supersede any requirements for obtaining any permits or approvals required by the United States or New York State, or any agency thereof.

**§ 212-51 Permitted uses.**

- A. Only the following buildings or uses are permitted in this district, and site plan approval, pursuant to the provisions of Article III, § 212-19, is required in unique natural areas and slope overlay areas:
- (1) Farm Operation.
  - (2) One single-family residence and accessory buildings.
  - (3) One two-family residence and accessory buildings.
  - (4) [RESERVED]
  - (5) Any municipal or public utility necessary to the maintenance of utility services except

that substations and similar structures shall be subject to the same setback requirements that apply to residences.

- (6) Major solar collection system subject to the provisions of Article XX, § 212-139.2. [Added 11-24-2015 by L.L. No. 3-2015]

**§ 212-52 Permitted accessory uses.**

- A. Only the following are permitted accessory uses, which are customarily incidental to the permitted uses listed above in § **212-51**:

- (1) Accessory buildings, as defined in Article **IV** and subject to the provisions of Article **XXIV**, § **212-167**: *Accessory Building*.

- (2) Accessory Dwelling Unit, subject to the provision of Article **XX**, § **212-128**.

- (3) Adult care, family.

- (4) Bed-and-breakfast establishments.

- (5) Child care, family.

- (6) Elder cottage, subject to the provisions of Article XX, § 212-139.5.

- (7) Professional offices where such office is part of the residence property and no more than three persons residing off the premises are employed on site.

- (8) Roadside stands, subject to the provisions of Article **XX**, § **212-135**.

- (9) Temporary building, as defined in Article **IV**.

- (10) Minor solar collection system subject to the provisions of Article XX, § 212-139.1. [Added 11-24-2015 by L.L. No. 3-2015]

- B. Site plan approval, pursuant to the provisions of Article **III**, § **212-19**, is required in unique natural areas and slope overlay areas for the permitted accessory uses listed in this section.

- C. Permitted accessory uses without site plan approval. Such uses as are customarily incidental to the permitted uses listed above in this Article **X**, § **212-51**.

- (1) Signs as regulated under Article **XX**, § **212-122**

- (2) Home occupation where no more than one person residing off the premises is employed.

**§ 212-53 Uses allowed by special permit.**

The following uses are allowed upon approval pursuant to Article **III**, § **212-18**, subject to the design standards in the Conservation Zone and site plan review by the Planning Board:

- A. Museums and nature centers.

- B. Public and private community parks, regional parks and preserves.
- C. Residential care/assisted living.
- D. Restaurants.
- E. Bicycle/ski rental business.

**§ 212-54 Lot area and yard requirements.**

- A. There shall be no more than one principal building on any lot in the CZ-Conservation Zone.
- B. Minimum lot area for one principal building shall be five acres.
- C. Minimum lot width at front lot line shall be 400 feet.
- D. Minimum lot depth shall be 450 feet.
- E. Minimum front yard setback shall be 75 feet.
- F. Minimum side yard setback shall be 50 feet.
- G. Minimum rear yard setback 50 feet.
- H. Maximum building height shall be 32 feet above average grade measured at the building perimeter or as determined by the Planning Board when slope exceeds 15%. It is within the discretion of the Planning Board whether or not to allow any building on slopes greater than 25%.
- I. The maximum footprint of a building shall be 3,500 square feet except Accessory Dwelling Units which are limited to 1,200 square feet floor area (§ 212-128).
- J. Driveways and parking areas may be considered a building as part of the lot coverage requirements at the discretion of the Planning Board.
- K. Flag lots are permitted, subject to the standards set forth in Article **XX**, § **212-130**.
- L. Accessory buildings shall not occupy the front yard, except for roadside stands (subject to provisions of Article **XX**, § **212-135**), and a garage may be attached to the front of a house.
- M. Maximum lot coverage by permanent structures shall be 5% of the lot area.

**§ 212-55 Design standards.**

In the event of any conflict between the provisions of this § **212-55** and other provisions of this chapter, the provisions of this section shall prevail.

- A. Stream and wetland setbacks.
  - (1) Perennial and intermittent streams and wetlands are prominent features of the Conservation Zone, and the condition of these water bodies directly affects the health

of Cayuga Lake and the fauna that depend on the water for sustenance. As such, it is the intent of these Conservation Zone regulations to ensure the continued preservation and health of these many Cayuga Lake water resources for current and future generations. (See§ 212-124 Standards for buffer areas).

- (2) For the purposes of this section, wetlands are defined by both state, federal and local governing regulations. Buffer areas apply to federal and locally protected wetlands greater than 0.1 acre and all state wetlands.
- (3) No buildings, structures, paved areas, or storage of construction equipment or machinery shall be located within the following buffer areas: 50 linear feet of the bank of any perennial or intermittent stream and 100 feet of any wetland. These buffer areas may be increased by up to 50% should the Planning Board determine that such an increase is necessary to protect water quality or to minimize the impacts of erosion and sedimentation.
- (4) During the site plan approval process where there is evidence of a wetland, the Planning Board may require a wetland delineation study to determine the exact boundaries and to evaluate potential impacts of development on said wetland.

B. Vegetation and landscape.

- (1) The intent of the Town of Ulysses is to preserve and encourage vegetation, especially noninvasive trees and shrubs, in the Conservation Zone in order to prevent erosion, sedimentation of the lake and streams, and maintain the rural, scenic nature of the Town.
- (2) The intent of this section is to encourage landowners in this district to preserve and encourage vegetation for the benefit of current and future residents of the Town.
- (3) The intent of the Town of Ulysses is to preserve the natural features of the Conservation Zone and, as such, to allow development that uses mechanisms that minimize disruption of the current ecological balance. The Zoning Officer and Planning Board shall review all development with the following guidelines when reviewing a site plan for approval.
- (4) Requirements. Tree removal, except clear-cutting, is allowed in the Conservation Zone outside of unique natural areas or slope overlay areas. Tree removal is allowed in the Conservation Zone in the unique natural areas or slope overlay areas according to the following terms and conditions:
  - (a) Without Town approval: a tree or trees whose location and conditions combine to make it a threat to human life or property.
  - (b) With the approval of the Zoning Officer and the possession of a valid building permit: those trees that are in the footprint of a construction site, septic system, parking areas, and the driveway access.
  - (c) Clear-cutting of forest stands for any use other than necessary minimal clearing for the

requirements of a building project is prohibited.

- (d) In unique natural areas or slope overlay areas, a woodland management plan shall be filed with and approved by the Zoning Officer and/or the Town's consulting forester for multiple trees removed for the landowner's firewood or lumber use, and for forest management and forest improvement. A woodland management plan shall be prepared by a professional forester with Society of American Foresters certification or by a cooperating consulting forester with the New York State Department of Environmental Conservation.
- (5) Recommendations.
- (a) In areas outside of unique natural areas and slope overlay areas, a woodland management plan is recommended when removing multiple trees for the landowner's firewood or lumber use and for forest management and forest improvement.
  - (b) Existing noninvasive vegetation should be maintained to the extent practicable to minimize runoff.
  - (c) Buffer areas proximal to water bodies are to be promoted using noninvasive native plants to protect water resources.
  - (d) Retain existing stone walls.
  - (e) Removal of trees for the purpose of expanding a view is discouraged.
  - (f) Removal of trees for the purpose of expanding sunlight exposure is discouraged.
  - (g) Native plants should be encouraged, especially shrubs and trees that produce edible fruit and nuts for wildlife.
  - (h) Removal of invasive plants (garlic mustard, swallowwort, barberry, honeysuckle, buckthorn, multiflora rose, Russian olive and Norway maple, etc.) is encouraged so long as this effort does not contribute to significant soil disturbance or erosion.
  - (i) Wildlife habitats, biological corridors, contiguous forests, and open space linkages should be encouraged and preserved.
  - (j) Dead trees that do not pose a threat to life, property, or a healthy forest should be left to provide wildlife habitat for both birds and animals.
  - (k) New development should not compromise scenic views, in particular viewing points from adjacent roads and trails.
  - (l) Regrading should blend in with the natural contours and undulations of the land.
  - (m) Siting of buildings should be below ridgelines or hilltops.
  - (n) Where possible, buildings and structures should be located on the edges of open fields

to minimize visual impacts.

- (o) Buildings proposed to be located within significant viewing areas should be screened and landscaped to minimize their intrusion on the character of the area.
- (p) Building design should harmonize with the natural setting.
- (q) Building materials should harmonize with their natural setting and be compatible with neighboring land uses.

#### C . Stormwater

1. In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review, the following standards apply:
2. Any alteration of the hydrology of the site shall be minimized and/or mitigated so as to minimize the impact on water quality, peak discharge, groundwater recharge, and drainage patterns. To the extent possible, the quantity, quality, and timing of stormwater runoff during and after development shall not be substantially altered from pre-development conditions. The recommended technical standards for the design of post-construction structures are detailed in the "New York State Stormwater Management Design Manual," as revised. In reviewing the adequacy of an applicant's stormwater management plans, the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.
3. Priority should be given to maintaining natural drainage systems, including perennial and intermittent streams, swales and drainage ditches.
4. Drainage of stormwater shall not cause erosion, siltation, contribute to slope failures, pollute groundwater or cause damage to or flooding of adjacent or downstream properties.
5. The Planning Board may require the developer or property owner to submit the following:
  - f) Stormwater Pollution Prevention Plan (SWPPP), prepared by a NYS licensed engineer or other qualified professional . The contents of the SWPPP and qualifications of qualified professionals are specified in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.
  - g) A statement of the proposed stormwater management objectives.
  - h) A description of the proposed structural and vegetative stormwater measures that will be utilized to ensure that the quantity, temporal distribution and quality of stormwater runoff during and after development are not substantially altered from pre-development conditions. This will include appropriate plans, design data, calculations, and other information.
  - i) A maintenance plan, which describes the type and frequency of maintenance

required by the stormwater management facilities utilized and the arrangements that will be made to ensure long-term maintenance of these facilities. Operation, maintenance, and any necessary repairs are the responsibility of the property owner or his/her designee. Storm water management facilities shall have adequate easements to permit the Town to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. If corrective action by the Town is required, incurred costs are the responsibility of the property owner.

j) A flood hazard analysis for any development located within or adjacent to the designated floodplain.

D. Soil and sediment control.

- (1) The goals for erosion and sediment control are (1) to minimize the opportunity for soil to be moved by wind, precipitation and runoff and (2) to contain sediment that does move close to its place of origin and thus prevent it from reaching a water body or damaging other lands. In order to ensure that the land will be developed with a minimum amount of soil erosion and to protect the natural character of on-site and off-site water bodies, the Planning Board shall require the developer to follow certain erosion control practices.
- (2) A structure or parking area shall have a minimum setback to perennial and intermittent streams of 50 feet or 75 feet if within a Unique Natural Area or Steep Slope Overlay, as measured from the top edge of the slope rising from the bank of the stream. See § **212-124.B**.
- (3) On sites within the slope overlay area or unique natural area, there shall be no excavation, grading or filling without the submission to the Zoning Officer of an excavation, fill, and grading permit. Excavation, grading or filling of more than 10 cubic yards is subject to site plan approval. The Planning Board may seek recommendations from the Town Engineer, and the associated cost shall be paid for by the applicant. This provision is not applicable to projects with a valid permit from a county, state, or federal agency; nor is it applicable to any projects with current site plan approval.
- (4) In addition to the requirements of this article, any construction, grading, or other activities shall be conducted in accordance with any federal, state, or other local law or requirement pertaining to such activity, including, but not limited to, any requirements of the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.
- (5) Roads and driveways should follow existing contours to the extent practicable to minimize erosion from cuts and fills.
- (6) In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review, the following standards apply:
  - a. The Planning Board may require the developer to submit an erosion and sediment control plan, the contents of which are specified in the New York

State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.

- b. Erosion and sediment control practices shall be consistent with requirements of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity. A permit is generally required for construction activities that disturb one or more acre of land.
- c. The recommended technical standards for erosion and sedimentation control are detailed in the "New York Standards and Specifications for Erosion and Sediment Control" published by the Empire State Chapter of the Soil and Water Conservation Society, as revised.
- d. The development plan should be consistent with the topography, soils, and other physical characteristics of the site so as to minimize the erosion potential and avoid disturbance of environmentally sensitive areas.
- e. Existing vegetation on the project site should be retained and protected as much as possible to minimize soil loss from the project site. (This will also minimize erosion and sediment control costs.)
- f. Erosion and sediment control measures should be constructed prior to beginning any land disturbances. All runoff from disturbed areas should be directed to the sediment control devices. These devices should not be removed until the disturbed land areas are stabilized.
- g. The timing and sequence of construction activities shall expose the smallest practical area of land at any one time during the development. Temporary vegetation and/or mulching should be used to protect critical areas. Permanent vegetation shall be established as soon as practicable. Construction will not be considered complete until all disturbed areas are successfully seeded or stabilized with erosion control materials

D. Driveways and parking.

(1) Requirements.

- (a) For new impervious surfaces proposed for driveways, parking areas, or walkways in unique natural areas or slope overlay areas, site plan review procedures shall be followed, and the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.
- (b) For safety purposes, parking areas shall be designed and built to avoid the necessity for drivers to back their vehicles onto roads.

(2) Recommendations.

- (a) Semi-pervious and pervious surfaces for driveways and parking areas are encouraged to minimize runoff and erosion.
- (b) Driveways and parking areas should be designed to include a combination of pervious and impervious surface materials as needed to provide for safe passage of traffic and to minimize the total area of impervious surface which would contribute to runoff.
- (c) Driveways and parking areas should follow contour lines of the land as much as possible.
- (d) Excavation and regrading of slopes for parking areas should be minimized.

E. Limitations on subdivision of parent tracts.

- (1) Any tract or parcel of land in common contiguous ownership at the time of the creation of this zone on December 17, 2013, subject to other normally applicable subdivision laws and regulations, may be subdivided to create up to and not more than 3 lots.

**SECTION 4.** The definition section of the Ulysses Zoning Law is amended to insert a new definition of “Building Footprint” as follows:

“The area of a lot or site included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof. It includes garages, carports and porches open at the sides but roofed, and accessory structures if attached to the primary residence, but not trellises, patios, and unroofed areas of porch, deck, and balcony. Accessory Dwelling Units attached to a primary residence shall not be considered a part of the primary residence’s footprint.”

**SECTION 5. SEVERABILITY.** If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances. Any prior inconsistent Local Law is hereby repealed and superseded.

**SECTION 6. EFFECTIVE DATE.** This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

*Respectfully Submitted by Carissa Parlato,  
7/27/2020*